

REMARKS/ARGUMENTS

Applicants wish to thank the Examiner for the careful review of the IDS, claims, specification, and drawings.

Claims

Claims 1-3, 13, 16-18, 28, and 31-33 have been amended.

After entry of this amendment, claims 1-38 are pending

It is respectfully submitted that each and every feature recited in the pending claims is fully supported in the specification, drawings, and claims as filed. No new subject matter has been added.

Claim Objections

The Office Action argues that claims 13 and 28 objected to because of the following informalities: the terms "said first transportation modes" should be written "said first transportation mode".

It is respectfully submitted that possible image processing errors may have caused the previously presented "said first transportation modes" in claims 13 and 28 to appear as "said first transportation modes". Claims 13 and 28 have been amended to make sure the term "modes" is replaced with "mode" in claims 13 and 28.

No new subject matter has been added.

Rejections under 35 USC § 103

The Office Action argues that claims 1, 7-11, 14-16, 22-26, 29-31, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nafeh et al. (USPub. No. 2002/0069155), hereinafter "Nafeh", in view of Bjerre et al (USPub. No. 2002/0123911), hereinafter "Bjerre".

The Office Action also argues that claims 2-6, 17-21, and 32-36 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Nafeh in view of Bjerre in further view of Scheer (USPub. No. US 2002/0138358).

The Office Action also argues that claims 12, 13, 27 and 28 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Nafeh et al in view of Bjerre et al in further view of Haigh ("Cointegration, unbiased expectations, and forecasting in the BIFFEX freight futures market",

The Journal of Futures Markets. Hoboken: Jul 2000. Vol. 20, Iss. 6; pg. 545), hereinafter referred to as "Haigh2".

Independent claims 1, 16, and 31 have been amended with support from, for example, one or more of paragraphs [00164]-[00165] and Fig. 15 in this application.

It is respectfully submitted that each of the amended claims 1, 16, and 31 includes limitations/features that are not taught by the cited prior art references. For example, each of claims 1, 16, and 31 includes the features, in the manner claimed, of displaying forecast data pertaining to demand forecasts between the first geographic location and the second geographic location to be viewed simultaneously with the derivative contract data.

In contrast, the cited prior art references (including Nafeh, Bjerre, Scheer, and Haigh2) do not teach displaying derivative contract data pertaining to shipment capacity offered by carriers between a first geographic location and a second geographic location; and the cited references do not teach displaying forecast data provided by shippers pertaining to demand forecast between the first geographic location and the second geographic location.

The Office Action argues that Nafeh discloses "to view data and news related to activity within market" and that "Examiner interprets viewing data and news as Applicant's displaying derivative contract data and displaying forecast data." Nevertheless, it is respectfully submitted that Nafeh's data and news should not be interpreted based on hindsight. Specifically, Nafeh (paragraph [0465]-[0466]) teaches data and news such as recent pertinent newsfeeds from commercial wire services, summary historical and background information on recent trading, price, volume activity on the contract, real time quotes for the best bid and offer for each contract in each outstanding series of the contract bundle, the expiration date for each outstanding series, the payout criterion for each contract, and the current rate, level, or value of the underlying. Nafeh does not teach shipment capacity offered by carriers between a first geographic location and a second geographic location; and Nafeh's news cannot be reasonably interpreted as forecast data because news is related to events that have happened. Other cited references also do not cure Nafeh's deficiencies.

As another example, each of the amended claims 1, 16, and 31 includes the features, in the manner claimed, of receiving shipper assessment of accuracy of the forecast data from the shippers, sorting the forecast data by geography, sorting actual data by geography, comparing the

forecast data with the actual data to calculate a forecast quality index, and publishing the shipper assessment and the forecast quality index.

In contrast, the cited references do not disclose the above example features in the manner claimed in claims 1, 16, and 31.

For the aforementioned reasons and others, it is respectfully submitted that each of independent claims 1, 16, and 31 is novel, non-obvious, and patentable over the cited arts of records, taken alone or in combination.

Claims 2, 17, and 32 have been amended with support from, for example, paragraphs [00170].

Claims 3, 18, and 33 have been amended with support from the previously presented claims 2, 3, 17, 18, 32, and 33.

It is also respectfully submitted that claims 2-15, 17-30, and 32-38 which depend from at least one of claims 1, 16, and 31 also are novel, nonobvious, and patentable not only due to their dependence from at least one of the patentable parent claims 1, 16, and 31 but also due to their recitation of independently patentable features.

No new subject matter has been added.

CONCLUSION

In view of the discussion herein, Applicant(s) believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-213-9540.

If additional petition is required to facilitate the entry of the present amendment, please consider this communication a petition therefore as well. The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-2284 (Order No. FFRT-P002).

Respectfully submitted,
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